



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In ~~the~~ Patent Application of

Bas Ording

Application No.: 10/090,627

Filed: March 6, 2002

For: AMINATED MENU BAR

Group Art Unit: 2179

Examiner: MYLINH T TRAN

Confirmation No.: 4921

REQUEST FOR RECONSIDERATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated June 15, 2005, Applicant respectfully requests reconsideration of the rejections of the claims. The withdrawal of the previous grounds of rejection is noted with appreciation.

Claims 1-8, 14-17 and 23 were rejected under 35 U.S.C. §103, on the grounds that they were considered to be unpatentable over the *Koppolu* patent (U.S. 5,706,458) in view of the *Ubillos* patent (U.S. 5,999,173), both of which are newly cited.¹ Claims 9, 10, 18 and 19 were rejected on the basis of these two patents, in further view of the *Cohen et al.* patent (U.S. 5,359,712). It is respectfully submitted that these references do not suggest the claimed subject matter to a person of ordinary skill in the art, whether they are considered individually or in combination.

Claim 1 recites a method for providing an aesthetically pleasing transition between menu bars. The claimed steps include updating a computer display to

¹ As indicated in the voice-mail message left with the Examiner, and confirmed with the paper filed July 9, 2005, copies of these new references were not provided with the Office Action, nor posted on the PAIR site for the subject application. As of the date of filing this response, the references still had not been made available to the Applicant.

display a second menu bar in place of a first menu bar, and rendering animation graphics to animate the transition between the first and second menu bars, such that the differences between the first menu bar and the second menu bar are apparent. Claims 14 and 23 contain analogous recitations. In rejecting the claims, the Office Action relies upon the *Koppolu* patent for the general concept of displaying a second menu bar in place of a first menu bar. The action acknowledges, however, that the *Koppolu* patent does not teach that animation graphics are rendered to animate the transition between the first and second menu bars.

To this end, therefore, the Office Action relies upon the *Ubillos* patent as teaching such a feature, with specific reference to column 2, lines 55-60, and column 12, lines 24-36. It is respectfully submitted that the *Ubillos* patent does not contain any teaching that would lead a person of ordinary skill in the art to animate the transition from one menu bar to another menu bar. Rather, the animation effects that are described in the *Ubillos* patent are directed to an entirely different objective and do not have any relationship to the display of menu bars, for example in a graphical user interface.

More particularly, the *Ubillos* patent is directed to a system for editing video clips. As part of this system, it discloses the ability to provide special effects, such as dissolve, fade and wipe, as one clip transitions to another. (Column 2, lines 57-59).

Referring to Figure 12, the patent discloses that each of the available special effects can have a transition icon associated with it. The individual icons are animated to illustrate the special effect with which each is associated. Figure 13 illustrates an example of the animation that is associated with the "Push" transition

icon. As illustrated therein, the animation in this icon illustrates the effect whereby clip "B" pushes clip "A" out of view.

It is respectfully submitted that this teaching does not have any applicability to the display of menu bars in a graphical user interface. In the system of the *Ubillos* patent, each of the animated transition icons is associated with a particular type of functionality, namely a certain special effect that can be employed when transitioning from one clip to another. The animations in these icons provide the user with an illustration of the particular special effect that is associated with each icon. Thus, the user is apprised of the particular type of transition that will occur between two clips by selecting a given one of the icons.

It is respectfully submitted that this teaching does not lead a person of ordinary skill in the art to the claimed subject matter. First, in the claimed method, the animation is applied to the object that is undergoing the transition, namely the menu bar. In contrast, the animation described at column 12, lines 24-36 of the *Ubillos* patent relates to an object distinct from the elements undergoing the transition. In particular, the transition is from one video clip to another, whereas the disclosed animation is taking place within the icon.

Second, there is no teaching in either of the references that would motivate a person of ordinary skill in the art to apply special effects for transitions between media presentations, e.g. video clips, to a totally disparate object, such as a menu bar. The purpose behind the special effects in video editing is to smooth the transition from one clip to another as the viewer is watching the presentation. Such an objective does not have any apparent applicability to menu bars in a graphical user interface. In fact, the effect of the present invention is quite the opposite. It

functions to call the user's attention to the fact that the menu bar is changing, since the user's attention is typically focused elsewhere on the display. There is no teaching in the references to use animation, or special effects, for such a purpose

For at least the foregoing reasons, therefore, it is respectfully submitted that a person of ordinary skill in the art, upon reading the disclosure of the *Ubillos* patent, would not be motivated to apply animations to the transitions between menus in a graphical user interface. Only Applicant's disclosure provides any reason to do so.

In connection with claims 9, 10, 18 and 19, the Office Action relies upon the *Cohen* patent as teaching rotation animation graphics and scrolling animation graphics. However, Applicant is unable to identify any disclosure of the claimed subject matter in the cited portions of the patent. Specifically, at column 43, lines 3-35, the patent discusses the use of fade in and fade out techniques for transitioning from one audio stream to another. There is no discussion of rotation animation. In fact, it is not apparent how the concept of "rotation" would apply to audio streams.

Similarly, the disclosure at column 41, lines 25-40 does not mention, or otherwise suggest, a scrolling animation. It only discusses transitions between streams in a general sense, but does not describe any particular type of transition, let alone scrolling animation.

Accordingly, it is respectfully submitted that the *Cohen* patent does not teach the subject matter of claims 9, 10, 18 and 19.


Reconsideration and withdrawal of the rejections are respectfully requested.

Respectfully submitted,

BUCHANAN INGERSOLL PC

Date: September 15, 2005

By: _____



James A. LaBarre

Registration No. 28,632

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620